

Drawings

Applicants submit herewith proposed amendments to Figures 1A-B and 2A-B under 37 C.F.R. § 1.121. The proposed amendments to the figures are presented in red ink on a separate sheet for each respective figure, for approval by the Examiner. Applicants respectfully request the Examiner's review and approval of the proposed amendments to Figures 1 and 2.

REMARKS

Amendments do not introduce new matter

No new matter is introduced into the specification by way of the amendments. Support for the amendments to Claim 1 can be found throughout the specification as filed, for example in the sequence listing. Furthermore, the amino acid corrections to Figure 1 are well supported in the specification as filed, for example in Figure 3, which recites the complete amino acid sequence for the human α 3-adrenergic receptor (the translated sequence presented in Figure 1).

Priority

The Examiner has objected to Applicants claim for priority based upon an application filed in France on January 25, 1989. More specifically, the Examiner asserts that “[a] claim for priority under 35 U.S.C. 119(a)-(d) cannot be based on said application, since the earliest United States application relied upon under 35 U.S.C. 120 was filed on 03 September of 1991, more than twelve months before.” *See* Paper No. 8, Page 3, lines 12-15.

Applicants respectfully disagree, traverse this objection, and request reconsideration of the claimed benefit of priority.

The instant application is a continuation application of Application Serial No. 08/450,962, filed May 25, 1995, now U.S. Patent No. 6,274,706, which is a divisional application of Application Serial No. 08/117,829, filed Sept. 8, 1993, now abandoned, which is a continuation-in-part application of Application Serial No. 07/721,571, filed on Sept. 03, 1991, now U.S. Patent No. 5,288,607. An examination of Pat. No. 5,288,607 reveals that the patent under 35 U.S.C. § 371 of PCT No. PCT/FR90/00054, filed January 25, 1990, wherein said PCT claims the benefit of French Patent Application No. 8900918, filed January 25, 1989.

Applicants respectfully submit that applicants are entitled to the benefit of French Patent Application No. 8900918, filed January 25, 1989, through the recited chain of priority. Accordingly, Applicants respectfully request reconsideration and withdrawal of the objection to the claimed benefit of priority.

Additional Objections

Figure 1

The Examiner objected to Figure 1 under 37 C.F.R. § 1.84(U)(1), as allegedly being improperly labeled. Applicants have requested amendment of current Figures 1-1, 1-2, 2-1, and 2-2 to recite Figures 1A, 1B, 2A, and 2B, respectively. Accordingly, Applicants respectfully request reconsideration and withdrawal of the objection to Figure 1.

The Examiner objected to Figure 1 as reciting amino acids that are not properly encoded by the disclosed nucleotides. Applicants appreciate the Examiner's careful review of Figure 1. Applicants have requested amendment of Figure 1 in accordance with the Examiner's comments. Applicants assert that no new matter is introduced into the specification by way of this amendment, as stated *supra*.

Rejections

Rejections under 35 U.S.C. § 112, 2nd Paragraph

The Examiner rejected claim 1 under 35 U.S.C. § 112, 2nd paragraph as allegedly failing to set forth the subject matter which applicants regard as their invention.

Applicants have amended Claim 1, and Applicants respectfully submit, that this rejection is rendered moot by way of the amendment. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. § 112, 2nd paragraph as allegedly failing to set forth the subject matter which applicants regard as their invention.

Conclusion

Applicants believe that incorporation of the amendments and consideration of the above remarks have placed this application in a condition for allowance. Early notification of a favorable consideration is respectfully requested.

Respectfully submitted,

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APPENDIX A
VERSION OF CLAIM WITH MARKINGS

In accordance with 37 C.F.R. § 1.121(b), Applicants submit a marked version of claims in order to indicate the changes Applicants have made to the claim 1.

IN THE CLAIMS:

1. (Amended) An isolated DNA molecule comprising a nucleotide sequence encoding the amino acid sequence of SEQ ID NO:42.

APPENDIX B
VERSION OF SPECIFICATION WITH MARKINGS

In accordance with 37 C.F.R. § 1.121(b), Applicants submit a marked version of the specification in order to indicate the changes Applicants have made to the specification.

In paragraph [0021]:

[0021] FIGS. 1A-B depicts the nucleotide sequence (SEQ ID NO:1), amino acid translation (SEQ ID NO:2) and intron/exon organization of the human □ 3-adrenergic receptor gene.

In paragraph [0022]:

[0022] FIGS. 2A-B depicts the nucleotide sequence (SEQ ID NO:3), amino acid translation (SEQ ID NO:4) and intron/exon organization of the mouse □ 3-adrenergic receptor gene.

In paragraph [0025]:

[0025] FIGS. 5A-B are is a schematic representation of human and mouse □ -adrenergic receptor mRNA splicing.

In paragraph [0032]:

[0032] Besides polypeptides, the present invention also encompasses any nucleotide sequence of □ 3-adrenergic receptors in mammals. A preferred embodiment of these nucleotide sequences are encompassed in FIGS. 1A-B (SEQ ID NO:1) and 2A-B (SEQ ID NO:3). Variants of the nucleotide sequence are also encompassed in the present invention including mutations and point substitutions using the above-described mutagenesis methods, provided that these variations do not significantly alter □ 3-adrenergic receptor activity.

In paragraph [0042]:

[0042] More particularly, it is advantageous to use a full length probe having the nucleotide sequence as defined in FIGS. 1A-B (SEQ ID NO:1) and 2A-B (SEQ ID NO:3) to probe a genomic or cDNA library of different mammalian species to obtain the related □ 3-adrenergic receptor of interest. A fragment of the nucleotide probe can also be generated.